

DEFENDANTS' UNOPPOSED MOTION FOR ENTRY OF A SCHEDULING ORDER

1
2 Defendants hereby respectfully move for entry of an order setting a new schedule for further
3 proceedings in this action. The undersigned has conferred with counsel for Plaintiffs, who do not
4 oppose this request for a scheduling order. In support of this motion, Defendants state as follows.
5

6 This action concerns public lands managed by Defendant, the Bureau of Land Management
7 (“BLM”), located within the northern portion of the Las Vegas Valley – previously defined as the
8 Upper Las Vegas Wash Conservation Transfer Area (“CTA”). On August 12, 2015, the parties filed
9 a stipulation jointly requesting that the stay of proceedings, then about to expire, be extended until
10 September 9. Doc. No. 24. The stipulation noted passage of the National Defense Authorization Act
11 for Fiscal Year 2015 (“NDAA”), which, among other things, designated the vast majority of the lands
12 in the CTA as part of a national monument and expressly terminated BLM’s decision regarding the
13 CTA. In addition, the stipulation indicated that BLM had advised Plaintiffs in writing that the NDAA
14 negated the decision challenged in this case, rendering it no longer effective.

15 On August 13, the Court entered an order extending the stay to September 9. In addition, the
16 Court denied Defendants’ pending motion to dismiss, but did so “without prejudice to refile” or to
17 the “filing of a revised motion to dismiss.” Doc. No. 11. Given the significant change in
18 circumstances brought about by the NDAA, Defendants intend to file a revised motion to dismiss (in
19 lieu of an answer), unless further discussions among the parties lead to voluntary dismissal. To allow
20 additional time for such further discussions, and to free Defendants of the duty to file an answer to the
21 complaint, as triggered by denial of its original motion to dismiss, Defendants request, and Plaintiffs
22 do not oppose, an order setting the following schedule:
23
24
25
26

1 Plaintiffs to advise whether they
2 will dismiss the action or not

October 8, 2015

3 If not, Defendants' revised
4 motion to dismiss is due

October 20, 2015

5 Plaintiffs' opposition
6 brief is due

November 10, 2015

7 Defendants' reply
8 brief is due

November 24, 2015

9 Respectfully submitted, September 15, 2015, by

10 JOHN C. CRUDEN
11 Assistant Attorney General
12 U.S. Department of Justice
13 Environment and Natural Resources Division

14 /s/ John S. Most
15 JOHN S. MOST, Trial Attorney
16 Natural Resources Section
17 P.O. Box 7611 Washington, D.C. 20044
18 202-616-3353 (voice)
19 202-305-0506 (fax)
20 john.most@usdoj.gov

Counsel for Defendants

21 IT IS SO ORDERED:

22 
23 UNITED STATES ~~DISTRICT~~ JUDGE
24 Magistrate

25 Proposed Discovery Plan and Scheduling
26 Order or Motion to Stay Discovery is due
by October 20, 2015.

DATED: September 22, 2015

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being filed with the Clerk of the Court using the CM/ECF system, thereby serving it on all parties of record, this 15th day of September, 2015.

/s/ John S. Most

JOHN S. MOST

Counsel for Defendants